

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WAYNE FARMS LLC)	Civil Action No.: 20-5191
)	
Plaintiff,)	Judge Feinerman
v.)	
JOHN DOE AND ,)	
LINKEDIN CORPORATION)	
)	
Defendants)	

STATUS REPORT OF WAYNE FARMS PRIOR TO MOTION CALL

Now comes Plaintiff, Wayne Farms LLC, (“WAYNE FARMS”) by its attorneys, Ladas & Parry LLP and responsive to the Order of December 1, 2020, Docket 30, requiring “Plaintiff shall file on the docket the executed return(s) of service or any other documents pertaining to service on Defendants.”, WAYNE FARMS wishes to advise the Court:

(1) Inability To Locate JOHN DOE Using False Identities.

As indicated in Exhibit 26 and the Second Declaration of David C Brezina, a process server has been unable to located Frank Annese, d/b/a Frankness Construction in the apartments identified. As JOHN DOE has used the false names Patrick Gomez, Bright Lincon and Trstan Slessor (Docket 25-4) it appeared reasonable to conclude that Frank Annese and Frankness Construction were also fake. Consistent with these expectations WAYNE FARMS sought authorization to “Issue of Summons and for Electronic Service of Summons and Complaint” (Docket 25) the Court ordering: “Plaintiff may serve summonses and the complaint by electronic means on the emails set forth in the motion.” (Docket 26)

Similarly, it appears in Exhibit 27 that effective November 6, 2020, a 68 year old Gracie Henderson had moved to New Orleans, which, when coupled with the suspicious facts above, supported the conclusion this was also a fake name.

Service By Email¹

Consistent with the Order, Docket 26, by November 12, 2020 the Alias Summons issued. Summons, Amended Complaint and Exhibits were served November 12, 2020, Exhibit 20, Docket 33-7 using the four email addresses known at that time: two in the original fraud and an two disclosed by LinkedIn responsive to a Subpoena: "patrickwaynfarms@consultant.com"; "patrickwaynfarms@outlook.com"; "godsonnguyen101@gmail.com" and "butcherspride.frozenfoods@gmail.com" and the additional address "rasulselp22@mail.com" identified November 6, 2020. Exhibit 20 is a "read" receipt by the last email.

The Order, Docket 30, setting the response date, December 1, 2020, was served on the now five email addresses that day, Exhibit 23, Docket 33-10.

Additional Email Communications

These Exhibits related to actual notice, not formal service of Summons, Amended Complaint and Exhibits. They are submitted to show JOHN DOE had adequate notice and an opportunity to respond:

Exhibit List	Docket	Description	Date
Exhibit 15	Docket 33-2	Motion to extend the TRO	25-Sep-20
Exhibit 16	Docket 33-3	Motion to extend the TRO	25-Sep-20
Exhibit 17	Docket 33-4	Notice of both Order extending TRO and the Motion for Preliminary Injunction	12-Oct-20
Exhibit 16, supra	Docket 33-3	Text	12-Oct-20
Exhibit 18	Docket 33-5	Amended Complaint (No Summons)	26-Oct-20

¹ Due to a computer error while filing December 10, 2020 recurrent error messages were received with respect to a number of documents and, accordingly, counsel determined that the best course was to file the Motion with Exhibits 1 – 14 in one batch at Docket 32 and a second batch with Exhibits 15 – 25 at Docket 33. Several of the second batch had to be reconstituted and metadata removed, likely for security reasons within Pacer.

Service by Electronic Publication.

WAYNE FARMS sought leave to use electronic publication as an equivalent to Illinois service by publication. While not specifically stated in the Order, Docket 26, WAYNE FARMS additionally published Notice of the Amended Complaint:

Exhibit List	Docket	Description	Date
Exhibit 21	Docket 33-8	LinkedIn Notice Published	12-Nov-20
Exhibit 22	Docket 33-9	Internet Notice Published	12-Nov-20

Conclusion

Exhibit 20, Docket 33-7 and Exhibit 23, Docket 33-10 are enough to document service and the last chance to file an Answer. No Answer has been filed and Default should be entered against JOHN DOE and in favor of WAYNE FARMS. The additional communications show due process has been followed for months and JOHN DOE has ignored everything – except permitting a “Read” receipt, Exhibit 20.

Respectfully submitted,

Date: December 16, 2020

By: 
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing will be filed December 10, 2020 in the Northern District of Illinois - CM/ECF LIVE, Document Filing System, which will forward copies thereof to any counsel of record.

I will also serve a copy by electronic mail to:

- (1) Defendant LinkedIn

Jason Skaggs
Skaggs Faucette
530 Lytton Avenue
2nd Floor
Palo Alto CA 94301
jason@skaggsfaucette.com

- (2) Defendant John Doe:

patrickwaynefarms@consultant.com
patrickwaynefarms@outlook.com
godsonnguyen101@gmail.com
butcherspride.frozenfoods@gmail.com
rasulselp22@mail.com

Date of Signature: December 10, 2020



David C. Brezina